



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/736,304

12/15/2003

Matthew R. McQuency

50-03-054

5446

34279

7590

11/15/2006

DOCKET CLERK, DM/EDS

P.O. DRAWER 800889

DALLAS, TX 75380

EXAMINER

INGBERG, TODD D

ART UNIT

PAPER NUMBER

2193

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,304

Applicant(s)

MCQUEENEY, MATTHEW R.

Examiner

Todd Ingberg

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 15 have been examined.

Specification

1. On page 3 of the Specification the Applicant has defined the terms “include”, “comprise”, “or”, “associated with”, “associated therewith”. The defining of these terms is only taken in the technical definition. In the legal scope of the terms in view of the meaning in Patent claims the Applicant has no authority to override terms such as “include” or “comprise” etc.

Applicant may only define terms for technical meaning but not the terms of Patent law.

2. The use of the trademark MICROSOFT has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 – 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is

Art Unit: 2193

the formatted result which is not a tangible result because the claim does not state it is written/stored/displayed on a computer readable medium. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

The simple fix would be to store the returned result on a tangible medium.

Information Disclosure Statement

4. The Information Disclosure Statement filed June 24, 2006 has been considered.
5. The Applicant makes mention of a "Microsoft Lightweight Directory Access Protocol Software Development Kit" on page 1. The Examiner deems documentation on the Kit relevant to the claimed invention. An Information Disclosure Statement should be made on the documentation.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by **LDAP**

Programming With JAVA, by Rob Weltman et al, published 2000.

Claim 1

LDAP anticipates a method processing a function call (LDAP, LiveConnect, page 250), comprising: receiving a first function call in a first programming language (LDAP, JAVASCRIPT , page 250) ; translating the first function call into a second function call in a second programming language (LDAP, JAVA , page 250); transmitting a lightweight directory

Art Unit: 2193

access protocol function call (LDAP, LiveConnect, JAVACLASS page 250), corresponding to the second function call, to a software service (LDAP, LiveConnect + wrapper, page 250); receiving results from the software service (LDAP, programming samples, pages 251 - 253); formatting the results to correspond to the first programming language (LDAP, JAVASCRIPT, page 250) ; and returning the formatted results (LDAP, Display , page 252).

Claim 6

LDAP anticipates a data processing system having at least a processor and accessible memory, comprising: means for receiving a first function call in a first programming language; means for translating the first function call into a second function call in a second programming language; means for transmitting a lightweight directory access protocol function call, corresponding to the second function call, to a software service; means for receiving results from the software service; means for formatting the results to correspond to the first programming language; and means for returning the formatted results. See the rejection for claim 1.

Claim 11

LDAP anticipates a computer program product tangibly embodied in a machine-readable medium, comprising: instructions for receiving a first function call in a first programming language; instructions for translating the first function call into a second function call in a second programming language; instructions for transmitting a lightweight directory access protocol function call, corresponding to the second function call, to a software service; instructions for receiving results from the software service; instructions for formatting the results to correspond to the first programming language; and instructions for returning the formatted results. As per claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 – 5, 7-10 and 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **LSAP** as taught by LDAP Programming With JAVA, by Rob Weltman et al, published 2000 in view of .NET as taught by Learning C#, Jess Liberty from 2002 referred to as (MS).

Art Unit: 2193

Claim 2

The method of claim 1, wherein the first programming language is Visual Basic. #. LDAP teaches the implementation of JAVA, JAVASCRIPTS and JAVABEANS but does not teach the implementation of Microsoft's Visual Basic programming language. It is by Jess Liberty in Learning C# (MS, page 2) published 2002. Therefore, it would have been obvious to one of ordinary skill in the art to alter the teachings of LSAP and implement Visual Basic as taught by MS, because the product could compete with LSAP from Sun Micro Systems.

Claim 3

The method of claim 1; wherein the first programming language is C#. LDAP teaches the implementation of JAVA, JAVASCRIPTS and JAVABEANS but does not teach the implementation of Microsoft's C# programming language. C# is JAVA like and is taught by Jess Liberty in Learning C# (MS, page 2) published 2002. Therefore, it would have been obvious to one of ordinary skill in the art to alter the teachings of LSAP and implement C# as taught by MS, because the product could compete with LSAP from Sun Micro Systems.

Claim 4

The method of claim 1, wherein the second programming language is C. LDAP teaches the implementation of JAVA, JAVASCRIPTS and JAVABEANS but does not teach the implementation of the ANSI standard C programming language. C is taught by Jess Liberty in Learning C# (MS, page 1) published 2002. Therefore, it would have been obvious to one of ordinary skill in the art to alter the teachings of LSAP and implement C as taught by MS, because the product could compete with LSAP from Sun Micro Systems.

Claim 5

The method of claim 1, wherein the software service is Microsoft Lightweight Directory Access Protocol Software Development Kit. LDAP teaches a Lightweight Directory Access Protocol Software Development Kit (LDAP, page 51, SDK). It appears the Microsoft prior to the filing of this application does not possess a Lightweight Directory Access Protocol Software Development Kit (Admitted Prior Art). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the functionality of LDAP and Microsoft .NET as taught by Jess Liberty in Learning C# (MS, page 2) published 2002 to Lightweight Directory Access Protocol Software Development Kit, because the product could compete with LSAP from Sun Micro Systems LDAP.

Claim 7

The data processing system of claim 6, wherein the first programming language is Visual Basic. See the rejection for claim 2.

Claim 8

The data processing system of claim 6, wherein the first programming language is C#. See the rejection for claim 3.

Art Unit: 2193

Claim 9

The data processing system of claim 6, wherein the second programming language is C. See the rejection for claim 4.

Claim 10

The data processing system of claim 6, wherein the software service is Microsoft Lightweight Directory Access Protocol Software Development Kit. See the rejection for claim 5.

Claim 12

The computer program product of claim 11, wherein the first programming language is Visual Basic. See the rejection for claim 2.

Claim 13

The computer program product of claim 11, wherein the first programming language is C#. See the rejection for claim 3.

Claim 14

The computer program product of claim 11, wherein the second programming language is C. See the rejection for claim 4.

Claim 15

The computer program product of claim 11, wherein the software service is Microsoft Lightweight Directory Access Protocol Software Development Kit. See the rejection for claim 5.

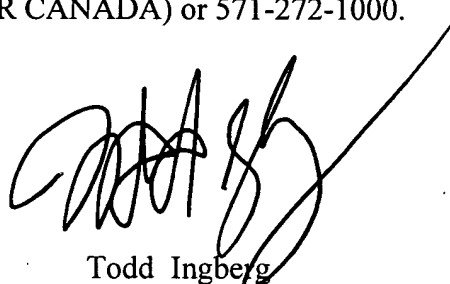
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Todd Ingberg', is written over the printed name and title.

Todd Ingberg
Primary Examiner
Art Unit 2193

TI